

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

MALQUIEL LOPEZ,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 06-3071-CV-S-DW
	)	
JOSEPH E. GUNJA, Warden,	)	
United States Medical Center for	)	
Federal Prisoners,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is Magistrate Judge James C. England's Report and Recommendations denying petitioner's leave to proceed in forma pauperis and dismissing the Petition for Writ of Habeas Corpus without prejudice. (Doc. 7). Petitioner filed an objection.

After an independent review of the applicable law and the parties' arguments, the Court ADOPTS the Magistrate's findings of fact and conclusions of law. The Court further finds that this is not a situation where "the most unusual circumstances" eliminate the requirement to exhaust administrative remedies. See Willis v. Ciccone, 506 F.2d 1011, 1015 (8th Cir. 1974). Accordingly, the Court ORDERS that the Magistrate's Report and Recommendations be attached to and made a part of this Order, and DENIES Petitioner's leave to proceed in forma pauperis and DISMISSES WITHOUT PREJUDICE the Petition for Writ of Habeas Corpus.

IT IS SO ORDERED.

Date: January 26, 2007

/s/ DEAN WHIPPLE

Dean Whipple

United States District Court